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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/053,085
Filing Date	November 9, 2001
First Named Inventor	Gorte, Raymond J.
Art Unit	1795
Examiner Name	Wang, Eugenia
Attorney Docket Number	UPFF-0004/N2437

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> Communication Regarding NOtice of Non-Compliant Amendment  Declaration of Dr. Raymond J. Gorte under 37 C.F.R. 1.132  Raymond J. Gorte Resume		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Woodcock Washburn, LLP		
Signature	/Aaron B. Rabinowitz/		
Printed name	Aaron B. Rabinowitz		
Date	February 26, 2009	Reg. No.	61,943

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

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The information provided by you in this form will be subject to the following routine uses:

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**DOCKET NO.:** UPFF-0004 / N2437  
**Application No.:** 10/053,085  
**Office Action Dated:** October 9, 2008

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
**Gorte et al.**

Confirmation No.: **5537**

Application No.: **10/053,085**

Group Art Unit: **1795**

Filing Date: **November 9, 2001**

Examiner: **Wang, Eugenia**

For: **Use of Sulfur-Containing Fuels for Direct Oxidation Fuel Cells**

ELECTRONICALLY FILED: February 26, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION REGARDING NOTICE  
OF NON-COMPLIANT AMENDMENT**

Sir:

Applicants have received a Notice of Non-Compliant Amendment, dated February 20, 2009. On February 26, 2009, Applicants' attorney spoke with Ms. Brenda Murphy (phone: 571-272-1033), who advised applicants that the status of claim 67 of the pending application was unclear. Ms. Murphy kindly advised Applicants' attorney to (1) file a communication responsive to the Notice; and (2) to re-file Applicants' response of January 26, 2009, so as to resolve all issues presented by the Notice.

In accordance with Ms. Murphy's guidance, Applicants are filing the present Communication to advise the office that claim 67 is canceled, and Applicants are also re-filing on this date their January 26, 2009 response so as to clarify the status of claim 67.

**DOCKET NO.:** UPFF-0004 / N2437  
**Application No.:** 10/053,085  
**Office Action Dated:** October 9, 2008

**PATENT**

Respectfully submitted,

Date: February 26, 2009

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